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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/834,658	04/16/2001	Sofia Yeung	50277-1010	3688

7590 10/23/2002

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EXAMINER

FLEURANTIN, JEAN B

ART UNIT	PAPER NUMBER
2172	

DATE MAILED: 10/23/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/834,658	YEUNG ET AL.
Examiner	Art Unit	
Jean B Fleurantin	2172	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 05 August 2002.

2a) This action is **FINAL**.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 39-42 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 39-42 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.

4) Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_.

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## **DETAILED ACTION**

### ***Response to Amendment***

1. Claims 2-38 are canceled. And claim 42 is added.

Claims 39-42 are remained pending for examination.

### ***Drawings***

2. The drawings filed on 10/19/1999 are approved by the Draftsperson under 37 CFR1.84 or 1.152 as indicated in the "Notice of Draftperson's Patent Drawing Review," PTO-948.

### ***Response to Arguments***

3. Applicant's arguments with respect to claims 39-42 have been fully considered but are moot in view of the new ground(s) of rejection. Examiner discusses the new added claim 42 in the following rejection.

### ***Claim Rejections - 35 U.S.C. § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 39-42 are rejected under 35 U.S.C. 102(b) as being anticipated by Thompson (US Pat. No. 5,457,796) ("Thompson").

As per claim 39, Thompson teaches a method of exporting data from a table into a dump file (thus, all of the information which is contained in the files and which is needed to organize

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the files into a file system is stored in storage elements 105 all of the component file systems have similar structures, however in dump file systems 109 all of the storage elements 105 in the file system belong to read only address space 117; which is equivalent to exporting data from a table into a dump file) (see col. 5, lines 59-64). Also, in column 14, lines 28 through 33, Thompson further teaches steps of a dump operation file server 503 goes through map 603 and places all map entries 605 which are in the read/write state in the dump state it then reestablishes primary file system 111, said table being subdivided into a number of partitions (thus, the file system includes one or more first sets of files whose entire contents are stored in the read only storage elements and a second set of primary files whose contents include old contents which are part of the contents of files in the first sets of files and new contents which are stored in the read/write elements but not in the read only elements; which is equivalent to said table being subdivided into a number of partitions) (see col. 2, lines 27-33), as claimed said method comprises the steps of selecting a fewer number of partitions than the number of partitions (thus, each storage element 105 belongs to one of three address spaces, read only address space 117, read/write address space 115 or unused address space 113, storage elements 105 belonging to read-only address space 117 are inalterable components of file system 101 they may be read but neither written nor removed from file system 101, storage elements 105 belonging to read-write address space 115 are alterable components of file system 101 they may be added to file system 101, written to, read from, and removed from file system 101, storage element 105 belonging to

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unused address space 113; which is readable as selecting a fewer number of partitions than the number of partitions) (see col. 2, lines 19-22); and

for each of the selected partitions, storing in the dump file data contained in said each of the selected partitions (thus, a file system for use in a computer system which has read/write and read only storage elements for storing the contents of the files, the file system includes one or more first sets of files whose entire contents are stored in the read only storage elements and a second set of primary files whose contents include old contents which are part of the contents of files in the first sets of files) (see col. 2, lines 25-31), wherein data contained in a partition that is not selected is not stored in the dump file (thus, if a failure in the computer system to which the file system belongs has resulted in the loss of location information 119, which is equivalent to data contained in a partition that is not selected is not stored in the dump file) (see col. 10, lines 20-21).

As per claim 40, the limitations of claim 40 are rejected in the analysis of claim 1, and this claim is rejected in that basis.

As per claims 41 and 42, Thompson teaches a computer readable medium bearing instructions arranged, upon execution, as claimed the steps to cause one or more processors to perform (thus, a dump daemon process operating in file server 503 writes the contents of all disk blocks 509 represented by map entries 605 indicating the dump state to their corresponding write once read many blocks 519, which is equivalent to instructions arranged, upon execution) (see col. 14, lines 36-39).

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5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Nishigaki et al. US patent Number 5,043,871 relates to update/recovery of a database.

***Conclusion***

6. Any inquiry concerning this communication from examiner should be directed to Jean Bolte Fleurantin at (703) 308-6718. The examiner can normally be reached on Monday through Friday from 7:30 A.M. to 6:00 P.M.

If any attempt to reach the examiner by telephone is unsuccessful, the examiner's supervisor, Mrs. KIM VU can be reached at (703) 305-8449. The FAX phone numbers for the Group 2100 Customer Service Center are: *After Final* (703) 746-7238, *Official* (703) 746-7239, and *Non-Official* (703) 746-7240. NOTE: Documents transmitted by facsimile will be entered as official documents on the file wrapper unless clearly marked "**DRAFT**".

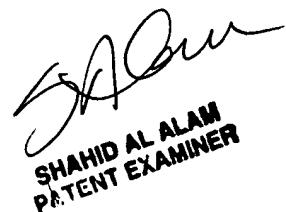
Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group 2100 Customer Service Center receptionist whose telephone numbers are (703) 306-5631, (703) 306-5632, (703) 306-5633.



Jean Bolte Fleurantin

October 16, 2002

JBF/



SHAHID AL ALAM  
PATENT EXAMINER